

REMARKS

Applicants have studied the Office Action mailed August 25, 2003 and have made amendments to the claims. It is respectfully submitted that the application, as amended, is in condition for allowance. Reconsideration and allowance of the pending claims in view of the above amendments and following remarks is respectfully requested.

Rejection of claim 4, 8-9, 24, and 26-28 under 35 USC §102(e):

The Examiner rejected claims 4, 8-9, 24, and 26-28 under 35 USC §102(e) as being anticipated by US Patent No. 6,426,186 B1. The Examiner states that US Patent No. 6,426,186 B1 teaches the polynucleotide sequence of an isolated nucleic acid molecule encoding a polypeptide comprising the amino acid sequence set forth in SEQ ID NO:2, as well as vectors, host cells, methods for producing said polypeptide, etc.

Claim 4(a), as amended above, is drawn to an isolated nucleic acid molecule consisting of a nucleotide sequence that encodes a polypeptide consisting of the amino acid sequence of SEQ ID NO:2. There is no teaching in US Patent No. 6,426,186 that SEQ ID NO:142 of US Patent No. 6,426,186 encodes a polypeptide consisting of the amino acid sequence of SEQ ID NO:2 of the instant application.

In fact, US Patent No. 6,426,186 only discloses three polypeptide sequences: SEQ ID NO:170, which is encoded by the polynucleotide sequence of SEQ ID NO:159; SEQ ID NO:171, which is encoded by the polynucleotide sequence of SEQ ID NO:37; and SEQ ID NO:172, which is encoded by the polynucleotide sequence of SEQ ID NO:85.

Thus, no polypeptide that is encoded by the polynucleotide sequence of SEQ ID NO:142 is disclosed in US Patent No. 6,426,186. Furthermore, there is no teaching in US Patent No. 6,426,186 that would lead one to deduce an amino acid sequence consisting of SEQ ID NO:2, or a nucleic acid molecule consisting of a nucleotide sequence that encodes an amino acid sequence consisting of SEQ ID NO:2; from SEQ ID NO:142 of US Patent No. 6,426,186.

New claims 30-31:

New claims 30-31 are being presented and their entry respectfully requested.

Conclusions

By way of the above amendments, claim 4 has been amended, and claims 30-31 have been added. As such, claims 4, 8-9, and 24-31 are presently pending.

Claims 25 and 29 are allowable, as indicated in the Office Action mailed August 25, 2003.

The amendment to the claims and the newly added claims add no new subject matter and their entry are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that the application and claims are in condition for allowance, and request that the Examiner reconsider and withdraw the objections and rejections. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned agent at (240) 453-3812 should the Examiner believe a telephone interview would advance prosecution of the application.

Respectfully submitted,

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